

Message Text

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ACTION IO-13

INFO OCT-01 ARA-10 ISO-00 DHA-02 L-03 CIAE-00 DODE-00
PM-04 H-02 INR-07 NSAE-00 NSC-05 PA-02 PRS-01 SP-02
SS-15 USIA-15 AF-08 EA-09 EUR-12 NEA-10 /121 W
-----092348Z 113963 /70

R 091855Z FEB 77
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 3378
INFO USMISSION USUN NEW YORK
USMISSION GENEVA

UNCLAS SANTIAGO 1133

E.O. 11652: N/A
TAGS: SHUM UN CI
SUBJECT: CHILE AND THE UN COVENANT ON CIVIL AND POLITICAL RIGHTS

REF: SANTIAGO 0571

1. THE SUPREME COURT BY A MAJORITY DECISION FEBRUARY 1, 1977
REJECTED THE REQUEST MADE BY THREE PROMINENT LAWYERS (REF),
THAT IT DIRECT THE PRESIDENT OF CHILE TO PROMULGATE THE UN
INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS. THE
COURT DETERMINED IT WAS NOT WITHIN ITS OWN POWER TO ORDER
THE PRESIDENT TO PUT INTO FORCE INTERNATIONAL LAWS OR
TREATIES. THE COURT HAD EARLIER RULED (AUGUST 1976) THAT
SINCE THE COVENANT WAS NOT PROMULGATED AS DOMESTIC LAW,
IT WAS WITHOUT LEGAL EFFECT IN CHILE.

2. IN STILL ANOTHER EDITORIAL CAREFULLY CRITICAL OF THE
GOC, "EL MERCURIO" SAID THE CASE MAKES EVIDENT THE LACK
OF COORDINATION WHICH EXISTS BETWEEN THE MEASURES THE
GOVERNMENT ADOPTS IN THE INTERNAL AND EXTERNAL FIELDS.
IT ACKNOWLEDGES THAT THE GOVERNMENT MAY HAVE GOOD REASON
FOR NOT MAKING THE COVENANT LAW IN CHILE BUT NOTES IT
CAN BE UNDERSTOOD ALMOST AS A LACK OF INTEREST IN THE
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HUMAN RIGHTS PRINCIPLES ESPOUSED IN THE COVENANT. THE
EDITORIAL SAID THAT THE COVENANT DOES NOT CONTAIN
UNACCEPTABLE PROVISIONS, THAT IT PROVIDES FOR EMERGENCY
LEGAL SITUATIONS, AND IN MANY WAYS COINCIDES WITH CHILEAN
CONSTITUTIONAL ACT NO. 3 ON THE RIGHTS OF THE PEOPLE.
"EL MERCURIO" CONCLUDES THAT SOME SENSE MUST BE MADE
OUT OF THE IMPASSE, AND SUGGESTS THAT THE PRESIDENT OF

THE REPUBLIC ASK THE OPINION OF THE COUNCIL OF STATE --
AN EMINENTLY SENSIBLE IDEA.
POPPER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: ELECTION RESULTS, HUMAN RIGHTS, PRESS COMMENTS, GOVERNMENT MINISTRIES
Control Number: n/a
Copy: SINGLE
Sent Date: 09-Feb-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01-Jan-1960 12:00:00 am
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977SANTIA01133
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770047-0001
Format: TEL
From: SANTIAGO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770258/aaaabzhi.tel
Line Count: 65
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 3ad418c9-c288-dd11-92da-001cc4696bcc
Office: ACTION IO
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 77 SANTIAGO 571
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 27-Oct-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3364496
Secure: OPEN
Status: NATIVE
Subject: CHILE AND THE UN COVENANT ON CIVIL AND POLITICAL RIGHTS
TAGS: SHUM, CI, UN
To: STATE
Type: TE
vdkgvwkey: odhc://SAS/SAS.dbo.SAS_Docs/3ad418c9-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009